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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PETER D. ROSS
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October 7, 1998

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EX PARTE OR LATE FILED

BY HAND

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Notification of Permitted Oral *Ex Parte* Presentation in
CC Docket Nos. 98-146 & 98-147 and CSB Docket No. 98-178

Dear Ms. Salas:

America Online, Inc. ("AOL"), pursuant to Section 1.1206(b)(2) of the Commission's rules, hereby submits an original and one copy of this memorandum regarding a permitted oral *ex parte* presentation to Commission officials regarding the above-cited proceedings. On October 6, 1998, George Vradenburg and Steven Teplitz of AOL, along with the undersigned, met with Deborah Lathen and Barbara Esbin of the FCC's Cable Services Bureau. The discussion addressed AOL's concerns as set forth in its September 14, 1998 comments in CC Docket 98-146.

AOL explained that the realization of the benefits promised by the faster data transmission speeds and "always-on" network connections of broadband infrastructures - and their full and rapid deployment to the American public - depends critically upon the preservation of the openness and consumer choice that have characterized and driven the Internet in today's "narrowband" environment. Requiring consumers of cable high speed Internet access to purchase two Internet services to get the one service they want will slow the adoption of high speed Internet access. AOL further discussed how, if cable operators were to make broadband access available to unaffiliated Internet service providers on a fair and non-discriminatory basis, facilities-based competition between cable and telephony infrastructures would also be promoted.

Kindly direct any questions regarding this matter to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter D. Ross". The signature is fluid and cursive, with the first name "Peter" and last name "Ross" clearly distinguishable.

Peter D. Ross

cc: Ms. Deborah Lathen
Ms. Barbara Esbin